

Executive Committee Meeting Minutes – Monday, November 17, 2003

Chairman Dwyer called the meeting to order at 8:30 a.m. and led the Committee in the Pledge of Allegiance.

Present: Chairman James Dwyer, County Board Supervisors Patricia Haukohl, Kenneth Herro, Walter Kolb, Richard Manke, Duane Paulson and Duane Stamsta.

Also Present: Chief of Staff Lee Esler, Director of Public Works Rich Bolte, Legislative Policy Advisor Dave Krahn, Jail Administrator Mike Giese, Building Projects Manager Dennis Cerreta, Deputy Inspector Bob Johannik, Legislative Policy Advisor Mark Mader and Office Services Coordinator Windy Jicha.

Legislative Update

Krahn reviewed the following legislation with the committee.

AB 54 is still awaiting senate action. This bill expedites the sale of tax delinquent properties. Waukesha County has been pushing for this bill.

AB 133 is actually a substitute amendment to the original bill. If this bill passes as amended, it will cost the county approximately \$350,000. There seems to be a real split in the Treasurers' Association regarding support of this bill. If this bill does go forward, it may be best to go forward with the original version of the bill. The amended version of this bill is much worse for Waukesha County in the long run.

AJR 55 is a property tax payers' bill of rights. If this bill passes, no tax increases above formula amounts can pass in the state without a referendum. This bill does not need the governor's signature to pass because it amends the state constitution. Esler said this is a modified freeze that factors in new growth and inflation for counties and municipalities. State and UW spending would be held to population growth plus inflation. Schools and technical colleges would be held to the percentage increase/decrease in inflation plus pupil enrollment. If this bill had been passed before the Waukesha County 2004 budget had been completed, Waukesha County could have had a tax levy "freeze" of 6.9% for 2004. This bill also provides that if a larger budget increase is needed, a referendum can be sent to the people.

Krahn briefly discussed the following bills: AB 255, AB 271, AB 437, AB 608.

AB 417 is a bill that changes retainage and Krahn's been working on it for weeks. The current law lets the county retain up to ten percent on projects. This bill would change that percentage to five percent. Subcontractors are pushing to pass this bill.

Discuss and Consider Ordinance 158-O-104: Amend Capital Project 200108 – Justice Facility

MOTION: Manke moved, Herro second, to approve Ordinance 158-O-104: Amend Capital Project 200108 – Justice Facility.

Bolte distributed two handouts on the construction budget of the Justice Facility. He is recommending a change in the allocation of funds within the project but not the total budget itself. This ordinance amends Capital Project 200108 – Justice Facility by increasing the construction line by \$397,116 to \$28,437,116 and decreasing the contingency line by \$397,116 to \$1,902,884. This would allow us to award the security electronics contract. They had budgeted \$2.3 million in a contingency fund which is actually an 8.2% contingency fund because of the size of construction project. This is the largest construction project taken on by the county. We wanted to protect ourselves for potential cost overruns or unforeseeable situations. The larger contingency fund was set up as protection against budget overruns. We are confident that if we transfer these funds it won't jeopardize the construction funds. The remaining contingency totals \$1,900,000 which is 6.7% of the total budget and is higher than is usually budgeted for construction projects. Bolte said this ordinance does not change the premise of the project. If we can't award this contract to Accurate Controls we will compromise some of the features that we want to put into this project.

Dwyer asked isn't this early in the project to be using contingency funds? Bolte said no, we've used contingency funds already. Cerreta said we've been very lucky so far with our project. Bolte said he would like to put off this decision but we need to take care of it now so the board needs to move forward on this ordinance.

Dwyer asked wouldn't the construction manager tell you when you needed to do this? Bolte said the construction manager said to do it now. Dwyer said this is the second or third time the construction manager seems to have made a timing error. Maybe we have a problem with the construction manager. Bolte said maybe there's a problem with him listening to the construction manager.

Manke asked what role does the architect play in this? Bolte said the original problem was that the county anticipated a more favorable bidding contract. His department has struggled with getting good bids for this project. We've rebid more than half of the projects to try to keep costs in-line with the project budget. Bolte said Director Cummings thought Kimme's estimate was too high but maybe it wasn't high enough and the county under-funded this project.

Dwyer asked what other items do you anticipate using contingency funds for? Cerreta said we could use contingency funds if we upgrade something we hadn't planned on. We won't spend the balance of contingency just to get rid of it. They don't have the contingency funds set up to be paid to other sources.

Paulson asked why is this the first time a contingency fund withdrawal has come before us in the form of an ordinance? Bolte said this is the first time we had to change lines in the capital project.

Esler asked Bolte if he was realigning the budget lines in the project? The ordinance reallocates \$400,000. The contingency fund is overly generous. According to Waukesha County Board law, this project should have a 4% contingency fund. The current fund is a generous contingency fund.

Paulson asked how many more times will you come back to the Board with these kind of changes? Bolte said he doesn't anticipate needing to come back to the board for this issue. After this contract is awarded, all contracts will be awarded.

ON THE MOTION: Motion carried: 7-0.

Legislative Update

Krahn continued the legislative update.

AB 616 – McCormack introduced this bill. She wasn't going to introduce this bill until the counties were happy with it. They met with McCormack to discuss the bill and she said they are going to go with this bill as is. Milwaukee County is very unhappy with this bill because there's no way they can comply with this bill. All counties are in the same boat with this bill. This bill says that public defenders will be paid for by the state. The counties do not agree with the 18-month bridge that was put into this bill that says until the state picks up these costs in 18 months, the counties are responsible for these costs. The state indigency level hasn't changed in 18 years. Bob Snow is convinced that there is a way to make this work. There are no leadership people on this bill.

Supervisor Stamsta left the meeting at 9:30 a.m.

SB 262 prohibits a county from providing grants from community aids to nonprofit corporations unless the nonprofit corporation provides matching funds equal to 100% of the grant moneys awarded.

Krahn briefly discussed the following bills AB 313, SB 305, AB 654, AB 655, AB 658 and AB 666.

Report by the County Board Chair

Dwyer said the last PPAC meeting was a joint meeting with PPAC and the Wisconsin Supreme Court. The group discussed the direction of PPAC in 2004. They also reviewed the issue of video conferencing in a more global view for both civil and criminal courts. The group discussed subcommittees of the courts and county versus state court funding.

Dwyer reported that at the December WCA Board of Directors meeting, the line item budget will be given to the board for review.

NACo and WCA have changed how housing is handled at the conventions. From now on, the organizations will give attendees a list of available housing and attendees will be responsible for securing lodging. This year the WCA conference will have a general session with a paid speaker on Sunday from 3:00 to 5:00 p.m. On Monday, there will be a general session in the morning, breakout sessions in the afternoon and then the business meeting and banquet. Tuesday, the last day of the conference, will consist of a seminar breakfast and breakout sessions.

Dwyer said Phil Evenson is going to chair the special committee investigating library capital projects.

On December 10, the Summit of Local Government for the southwest region will be held. The governor will appoint people to attend this invitation only event. There are four members of the WCA Board of Directors up for consideration. Dwyer didn't know if people will be allowed to come and listen to the discussion.

Waukesha County didn't get the GIA/PIA printing contract. Sixty-four percent of the board members voted to stay in Pennsylvania. The key personnel of the organization said they were not willing to move if the organization moved. This isn't the end of the printing association in our area.

Manke said he would like press releases sent out about what the County Board does for Waukesha County so people are aware of what is going on in county government.

Future Agenda Items

- Invite legislators to Executive Committee meetings to discuss specific bills.
- Joint meeting of Finance, Executive and Public Works Committees to discuss the Wisconsin River Rail issues

Approval of the Minutes of October 13, 2003

MOTION: Herro moved, Haukohl second, to approve the minutes of October 13, 2003. **Motion carried:** 6-0.

Approval of the Minutes of October 27, 2003

MOTION: Kolb moved, Paulson second, to approve the minutes of October 27, 2003. **Motion carried:** 6-0.

Correspondence

Chairman Dwyer reviewed and passed out the list of correspondence. He said Supervisors should let Jicha know if they want copies of the listed items.

Committee Reports

Finance - Haukohl said the committee has been working on budget. At the meeting tomorrow, the committee will discuss the nine-month general fund report, ordinances and fund transfers. Treasurer Reeves will be at the meeting to discuss legislative issues relative to her office.

Public Works – Manke said at the next meeting, the committee dealt with two ordinances that give title of land back to the state. The committee recently dealt with an ordinance on a speed zone. The lights on Moorland Road (CTH “O”) have been sequenced. He would like to have a joint meeting of the Executive, Finance and Public Works Committees for a presentation on the Wisconsin River Rail.

Esler said at the Public Works meeting, Bolte announced he is canceling the automatic vehicle location capital project worth \$350,000. The county has already paid \$100,000 toward the project. They will cancel the contract with the vendor and seek \$75,000 from the vendor. Bolte was unhappy with the software since it worked only 45% of the time, which is inexcusable.

Personnel – Paulson said at the meeting tomorrow, they will be going into closed session to discuss AFSCME bargaining issues.

HHS – Herro said the committee reviewed a fund transfer, heard a report on Wisconsin Children and Families Initiative and affordable housing in Waukesha County by Glenn Lewinski. The committee adjourned and then attended the presentation on specialized transportation with presenters Frank Busalacchi and Dan Finley.

Land Use – Kolb said the committee heard a presentation from Hasslinger on the Register of Deeds office.

Esler said many of the Supervisors attended the Transportation Meeting with Busalacchi and Finley. The contracts for the freeway flyers will be extended 3 months to Wisconsin Coach Lines. There was a grievance filed against the RFP process for this contract. Esler [a member of the RFP committee] said he believes the process was handled properly. The City of Waukesha Common Council will award the approved contracts tomorrow. There are three freeway flyer routes under dispute. These routes run from Mukwonago, Oconomowoc and Waukesha.

Motion to Adjourn

MOTION: Haukohl moved, Manke second, to adjourn the meeting at 10:52 a.m. **Motion carried:** 6-0.

Respectfully submitted,

Duane E. Paulson
Secretary